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June 1, 2011

Hon. Stanley R. Chesler  
United States District Court  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: White v. Smiths Group, plc, et al.  
Docket No. 2:10-cv-04078-SRC-MAS  
Motion for Reconsideration, returnable June 6, 2011

Dear Judge Chesler:

This firm represents the Plaintiff in the above-captioned matter. I respond to Defendants' counsel, Mr. Hamid's letter of May 31, 2011 objecting to the Plaintiff's Reply Brief filed in support of her motion for reconsideration and leave to amend allegations in her pleading.

Counsel correctly states Local Rule 7.1(d) (3) does not permit the moving party to file a reply brief on a motion for reconsideration without leave of court.

In view of R. 7.1 (d) (3), I apologize to court and counsel for presenting the Reply Brief before having sought leave of court. I respectfully request permission to file the Reply Brief in the interest of justice.

The Reply Brief discusses a U.S. Supreme Court opinion that has not been considered by the court. No one has raised Swierkiewicz v. Sorema N.A., 534 U.S. 506 (2002), where the Court held, "This Court has never

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indicated that the requirements for establishing a prima facie case under McDonnell Douglas also apply to the pleading standard that plaintiffs must satisfy in order to survive a motion to dismiss.” Consideration of this holding may affect the court’s disposition of the Plaintiff’s New Jersey Law Against Discrimination Counts. In addition, the Plaintiff’s other points clarify succinctly the parties’ positions. The court’s accepting the Reply Brief and considering the 14 page brief will assist in any appeal.

Respectfully submitted,  
LAW OFFICE OF ELLEN O’CONNELL, L.L.C.

s/Ellen O’Connell  
By: \_\_\_\_\_  
Ellen O’Connell

cc: Sarah Bouchard, Esq.  
Jyotin Hamid, Esq.